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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/517,109	12/07/2004	Martin Wagner	DE 020140	1318
24737	7590	10/03/2006	EXAMINER	
PHILIPS INTELLECTUAL PROPERTY & STANDARDS P.O. BOX 3001 BRIARCLIFF MANOR, NY 10510			SCHELL, JOSEPH O	
			ART UNIT	PAPER NUMBER
			2114	

DATE MAILED: 10/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/517,109	Applicant(s) WAGNER ET AL.	
	Examiner Joseph Schell	Art Unit 2114	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 December 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 December 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☒ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Detailed Action

Claims 1-10 have been examined.

Claims 1-10 have been rejected.

Oath/Declaration

1. The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. See MPEP §§ 602.01 and 602.02.

The oath or declaration is defective because: The declaration claims priority to German Patent Application 102 25 472.9 filed June 10, 2003. The German application received with this application holds priority from June 10, 2002.

Specification

2. The disclosure is objected to because of the following informalities:

Background and Detailed Description sections lack headings.

Appropriate correction is required.

Claim Objections

3. Claims 4, 9 and 10 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim cannot depend from another multiple dependent claim. See MPEP § 608.01(n). Accordingly, the claims 4/3/1, 4/3/2, 9/8/7,

9/8/6, 9/8/5, 10/4/3, 10/4/2, 10/4/1, 10/3/2, 10/3/1, 10/8/7, 10/8/6, and 10/8/5 have not been further treated on the merits.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claim 1, 4, 8, and 10 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
5. Claim 1 line 6, claim 4 line 3, claim 8 line 2 and claim 10 line 1 use the term "and/or." This term is indefinite. Examiner is assuming an "or" for each use of this term.
6. Claim 8 line 2 uses the term "the information unit." This limitation lacks antecedent basis when claim 8 is dependent directly from claim 5.
7. Claim 10 recites the limitations of "for a least one application, in automobile electronics and in particular in the electronics of motor vehicles." An automobile is an example of a motor vehicle. Because motor vehicle (containing motor boats, motor airplanes, etc.) is the broader group this use of "in particular" is incorrect and makes the limitation indefinite.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 1-2, 5, 8/5, 9/5 and 10/5 are rejected under 35 U.S.C. 102(e) as being anticipated by Coverdill (US Patent 5,802,545).

9. As per claim 1, Coverdill ('545) discloses a method of monitoring the operation of at least one microcontroller unit (300) that is intended for at least one application and is associated with a system (100) (the system is for use with a truck, see abstract), characterized in that

the microcontroller unit (300) has at least one non-volatile memory area (10) associated with it (column 5 lines 64-67, an EEPROM),

the memory area (10) can be read from and/or written to by the microcontroller unit (300) (column 7 lines 45-48, the events are logged to a FIFO), and

at least one set of statistics, and in particular a set of fault statistics, relating to the operation of the microcontroller unit (300), can be kept by means of the memory area (10) (column 2 lines 64-66, the electrical subsystem is related to the operation of the microcontroller, see also column 7 lines 22-24, the microcontroller may run on the vehicle battery).

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10. As per claim 2, Coverdill ('545) discloses a method as claimed in claim 1, characterized in that the memory area (10) is permanently supplied by at least one battery unit (400) (column 7 lines 45-48).

11. As per claim 5, Coverdill ('545) discloses a base chip (200), and particularly a system base chip, for monitoring the operation of at least one microcontroller unit (300) that is intended for at least one application (the system is for use with a truck, see abstract), characterized by

at least one non-volatile memory area (10) that can be read from and/or written to by the microcontroller unit (300) (column 7 lines 45-48, the events are logged to a FIFO), and by means of which

at least one set of statistics, and particularly at least one set of fault statistics, can be produced relating to the operation of the microcontroller unit (300) (column 2 lines 64-66, the electrical subsystem is related to the operation of the microcontroller, see also column 7 lines 22-24, the microcontroller may run on the vehicle battery).

12. As per claim 8/5, Coverdill ('545) discloses a base chip as claimed in any of claims 5 to 7, characterized in that the memory area (10) and/or the information unit (20) have inserted in front of them at least one interface unit (30) for the exchange of data with the microcontroller unit (300) (column 5 lines 66-67, an EEPROM requires an EEPROM interface as it is externally programmed and then inserted into the controller).

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13. As per claim 9/5, Coverdill ('545) discloses a system (100), and particularly a control system, characterized by at least one microcontroller unit (300) intended for at least one application and by at least one base chip (200) as claimed in claim 5 (column 2 lines 7-14, the system controls a logging system).

14. As per claims 10/5, 10/2 and 10/1, Coverdill ('545) discloses use of a method as claimed in any of claims 1-2 and/or of at least one base chip (200) as claimed in claim 5 for monitoring the operation of at least one microcontroller unit (300) intended for at least one application, in automobile electronics and in particular in the electronics of motor vehicles (see abstract, the invention is intended for use in an automobile).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

15. Claims 3/2, 3/1, 4/2, 4/1, 6, 7, 8/7, 8/6, 9/7, 9/6, 10/7, and 10/6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Coverdill ('545) in view of Jablon (US Patent 5,421,006).

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16. As per claims 3/2 and 3/1, Coverdill ('545) discloses a method as claimed in claims 1 or 2 (in this case both claims). Coverdill ('545) does not disclose the method characterized in that,

in relation to the operation of the microcontroller unit (300), a distinction can be made between different reset events and in that

these different reset events can be made accessible to the microcontroller unit (300).

Jablon ('006) teaches a memory device with a write protection latch that can be reset upon reboot (see abstract, about the middle third of it). The system discriminates between system resets and write-enabling resets (column 12 lines 64-66) and these events are accessible by the controller (again, column 12 lines 64-66, in order to draw a distinction between resets the BIOS needs to be aware of the reset events).

At the time of invention it would have been obvious to a person of ordinary skill in the art to modify the vehicle fault logging system disclosed by Coverdill ('545) such that it uses memory with write protection as taught by Jablon ('006). This modification would have been obvious because it allows the data stored on memory to be protected from malicious software (Jablon ('006) abstract, about 2/3 of the way down).

17. As per claims 4/1 and 4/2, Coverdill ('545) discloses a method as claimed in any of claims 1 or 2. Coverdill ('545) does not explicitly disclose the method characterized

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in that the memory area (10) can be read from at any time and/or can be written to only after a reset or while the system (100) is restarting.

Jablon ('006) teaches a memory device with a write protection latch that can be reset upon reboot. When set the memory is write-protected against over writing and the system must be reset to a bootstrap program to allow data modification (see abstract, about the middle third of it).

At the time of invention it would have been obvious to a person of ordinary skill in the art to modify the vehicle fault logging system disclosed by Coverdill ('545) such that it uses memory with write protection as taught by Jablon ('006). This modification would have been obvious because it allows the data stored on memory to be protected from malicious software (Jablon ('006) abstract, about 2/3 of the way down).

18. As per claim 6 Coverdill ('545) discloses a base chip as claimed in claim 5 characterized by at least one supply unit (50) that is connected (52) to the microcontroller unit (300) (column 7 lines 22-26).

Coverdill ('545) does not disclose the base chip characterized by

at least one information unit (20) that is provided to allow for different reset events, and

at least one reset unit (40) for resetting the microcontroller unit (300), which reset unit (40) is connected (42) to the microcontroller unit (300).

Jablon ('006) teaches a memory device with a write protection latch that can be reset upon reboot (see abstract, about the middle third of it). The system discriminates between system resets and write-enabling resets (column 12 lines 64-66, the broadest reasonable interpretation of a "reset unit" is something that causes or communicates reset signals. The possibility of system resets necessitates a reset unit. The resets are communicated to the microcontroller because it is included in system restarts, as mentioned in column 12 lines 64-66).

At the time of invention it would have been obvious to a person of ordinary skill in the art to modify the vehicle fault logging system disclosed by Coverdill ('545) such that it uses memory with write protection as taught by Jablon ('006) and thus uses different reset events communicated to the microcontroller. This modification would have been obvious because it allows the data stored on memory to be protected from malicious software (Jablon ('006) abstract, about 2/3 of the way down).

19. As per claim 7, Coverdill ('545) in view of Jablon ('006) discloses a base chip as claimed in claim 6, characterized in that

the memory area (10) and the supply unit (50) are permanently associated with at least one battery unit (400) (Coverdill ('545) column 7 lines 45-48), and in that

the microcontroller unit (300) has at least one temporary energy supply associated with it via the supply unit (50) (Coverdill ('545) column 7 lines 23-26).

As per claims 8/7 and 8/6, Coverdill ('545) in view of Jablon ('006) discloses a base chip as claimed in any of claims 6 to 7, characterized in that the memory area (10) and/or the information unit (20) have inserted in front of them at least one interface unit (30) for the exchange of data with the microcontroller unit (300) (Coverdill ('545) column 5 lines 66-67, an EEPROM requires an EEPROM interface as it is externally programmed and then inserted into the controller).

20. As per claims 9/7 and 9/6, Coverdill ('545) in view of Jablon ('006) discloses a system (100), and particularly a control system, characterized by at least one microcontroller unit (300) intended for at least one application and by at least one base chip (200) as claimed in any of claims 6 to 7 (Coverdill ('545) column 2 lines 7-14, the system controls a logging system).

21. As per claims 10/7 and 10/6, Coverdill ('545) in view of Jablon ('006) discloses use of at least one base chip (200) as claimed in any of claims 6 to 7 for monitoring the operation of at least one microcontroller unit (300) intended for at least one application, in automobile electronics and in particular in the electronics of motor vehicles (see Coverdill ('545) abstract, the invention is intended for use in an automobile).

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph Schell whose telephone number is (571) 272-8186. The examiner can normally be reached on Monday through Friday 9AM-4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Scott Baderman can be reached on (571) 272-3644. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JS


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